IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39809 of 2008
MD.AFTAB @ CHAND ….. PETITIONER
Versus
THE STATE OF BIHAR ….. OPP. PARTY
For the petitioner : - Sri Rajiv Ranjan Singh, Advocate
For the O.P. : - Sri D. Mehta, APP
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2. 20.10.2008 Heard Sri Rajiv Ranjan Singh, Advocate for the petitioner and Sri D. Mehta, Additional Public Prosecutor for the State.

The allegation is that the petitioner enticed or took away the daughter of the informant. The lady appears recovered and medically examined. She was found in between 14 & 17 years of age. In her statement under Section 164 Cr.P.C., the lady stated that she herself went out of her mother's house, so as to getting married to the petitioner out of her free will. The medical report does indicate the age of the victim both on its lower side the upper limit, but the court could add up three years to the maximum. That apart, if the lady was herself out of her parent's house, so as to going away with the petitioner and marrying him without alleging that she was encouraged to come out of the house, then it could be a case for bail.

Let petitioner Md. Aftab @ Chand be released from custody on furnishing a bond of Rs.3,000/- (three thousand)

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with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Nath Nagar P.S. Case No. 05 of 2008 (G.R. No. 51 of 2008).

DKS/ **(Dharnidhar Jha, J)**

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